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8 Health Products, Inc. and Nikki Haskell

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION
12

13 GRADY JACKSON and KELLEY
14 ALEXANDER, in their representative
15 capacity pursuant to Cal. Bus. & Prof. Code
16 §§17203, 17535 and Cal. Code Civ. Pro. §§
17 382, 1021.5,

18 Plaintiffs,

19 vs.

20 BALANCED HEALTH PRODUCTS, INC., a
21 Delaware Corporation, NIKKI HASKELL, an
22 individual, GENERAL NUTRITION
23 CORPORATION, a Pennsylvania
24 Corporation, and VITAMIN SHOPPE
25 INDUSTRIES, INC., a New York
26 Corporation, inclusive,

27 Defendants.

CASE NO. C08-05584-CW

[Assigned to the Hon. Claudia Wilken]

**STIPULATION TO CONTINUE REPLY
AND SUBMISSION OF DEFENDANT
NIKKI HASKELL'S MOTION TO
DISMISS SECOND AMENDED
COMPLAINT; ORDER**

[LOCAL RULE 6-1(A)]

28 IT IS HEREBY STIPULATED by and between the parties, Plaintiffs Grady Jackson and
Kelley Alexander and Defendant Nikki Haskell, through their respective counsel, pursuant to
Local Rule 6-1(a), with reference to the following facts:

1. By Clerk's Notice dated August 18, 2009, the Clerk gave notice to the parties that, on
its own motion, this Court ordered that (a) Defendant Nikki Haskell's Motion to Dismiss Second
Amended Complaint would be taken under submission on the papers and that the hearing, previously
scheduled for September 10, 2009, was vacated, (b) Opposition to the motion would be due August

1 20, 2009 and (c) any Reply would be due August 27, 2009;

2 2. By Stipulation and Order, the date for a Reply to Plaintiffs' Opposition was
3 continued to October 8, 2009;

4 3. A proposed settlement of the entire case is currently being documented, a process that
5 will likely take a few more weeks to complete;

6 4. In light of the foregoing, and in the very unlikely event that the matter does not settle,
7 Plaintiffs and Defendant Haskell wish to continue the date for her Reply and, thus, for this Court
8 to thereafter take under submission Defendant Haskell's Motion to Dismiss the Second Amended
9 Complaint thereafter, to November 16, 2009.

10 **IT IS THEREFORE STIPULATED** that Defendant Nikki Haskell shall have up to and
11 including November 16, 2009 to file a Reply to Plaintiffs' Opposition to Defendant Haskell's
12 Motion to Dismiss Second Amended Complaint and that the Court will thereafter take the matter
13 under submission on the papers.

14 Dated: October 15, 2009 FARBER & COMPANY ATTORNEYS

15 By: /s/ Eric J. Farber

16 Eric J. Farber

17 Attorneys for Plaintiffs Grady Jackson and Kelley Alexander

18 Dated: October 15, 2009

/s/ David L. Gernsbacher

19 David L. Gernsbacher,

20 Attorney for Defendants Balanced Health Products, Inc.
21 and Nikki Haskell

22 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED.**

23 

24

United States District Judge

25 10/21/09

26 Dated:

ATTESTATION OF CONCURRENCE IN FILING

Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), David L. Gernsbacher hereby attests that concurrence in the filing of this stipulation and proposed order has been obtained from counsel for the non-filing parties.

/s/ David L. Gernsbacher
David L. Gernsbacher,
Attorney for Defendants Balanced Health
Products, Inc. and Nikki Haskell

PROOF OF SERVICE

I am over the age of 18 and not a party to the within action. My business address is 9107 Wilshire Blvd., Suite 450, Beverly Hills, CA 90210.

On October 15, 2009, I served the document described as **STIPULATION TO CONTINUE REPLY AND SUBMISSION OF DEFENDANT NIKKI HASKELL'S MOTION TO DISMISS SECOND AMENDED COMPLAINT; ORDER** through the Notice of Electronic Filing ("ECF") for parties and counsel, all of whom are registered ECF Users:

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I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on October 15, 2009, at Beverly Hills, California.

/s/ David L. Gernsbacher
David L. Gernsbacher